

## CONTENTS

	<i>Page</i>
Note on contributors.....	vii
Foreword.....	viii
Acknowledgements.....	ix
Executive summary.....	1

### Part 1

#### **Background: The shift to a human rights framework of reference**

CHAPTER 1	The moral authority for change: human rights values and the worldwide process of disability reform.....	9
1.1	Human values – the human being as subject and not object.....	9
1.2	From values to rights: a system of freedom built on human values.....	13
1.3	The core problem: the “invisibility” of people with disabilities in the system of freedom.....	15
1.4	Human rights as a “visibility” project in the context of disability.....	17
CHAPTER 2	The application of moral authority: the shift to the human rights perspective on disability through United Nations “soft” law.....	19
2.1	Early United Nations General Assembly resolutions on disability.....	19
2.2	The emergence of the rights model in the 1980s: the World Programme of Action (1982).....	20
2.3	Influential United Nations studies and guidelines.....	21
2.4	The United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993).....	22
2.5.	World conferences and disability.....	24
2.6	United Nations Commission on Human Rights resolutions and disability.....	25
2.7	United Nations expert seminars on disability.....	26
2.8	General Assembly resolution on a convention to promote and protect the rights and dignity of persons with disabilities.....	28
2.9	Conclusions.....	29
CHAPTER 3	Building bridges from “soft law” to “hard law”: the relevance of the United Nations human rights instruments to disability.....	31
3.1	The United Nations human rights treaty system.....	31
3.2	Navigating the United Nations human rights treaty system.....	32

### Part 2

#### **Evaluation of the current use of the United Nations human rights instruments in the context of disability**

CHAPTER 4	Disability and freedom: the International Covenant on Civil and Political Rights (ICCPR).....	37
4.1	The relevance of civil and political rights to disability.....	37
4.2	Enforcement and interpretation of the ICCPR in the context of disability.....	41
4.3	An evaluation of the operation of the ICCPR in the context of disability.....	44
4.4	Disability as a human rights issue in the complaints procedures under the first Optional Protocol to the ICCPR.....	48
4.5	Conclusions on the ICCPR and disability.....	50

CHAPTER 5	Disability and social justice: the International Covenant on Economic, Social and Cultural Rights .....	53
5.1	An overview of the International Covenant on Economic, Social and Cultural Rights .....	53
5.2	The general application of the ICESCR in the context of persons with a disability .....	55
5.3	The relevance of specific ICESCR rights in the context of disability .....	58
5.4	Case studies on the current use of the ICESCR in the context of disability .....	70
5.5	Conclusions on the ICESCR and disability .....	81
CHAPTER 6	The integrity of the person: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and disability .....	83
6.1	An overview of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment .....	83
6.2	The general relevance of Convention norms in the context of disability .....	92
6.3	Case studies on the operation of the Convention in the context of disability .....	94
6.4	Conclusions on CAT and disability .....	100
CHAPTER 7	Gender and disability: the Convention on the Elimination of all Forms of Discrimination against Women .....	103
7.1	Introduction to CEDAW .....	103
7.2	The general application of CEDAW norms in the context of disability .....	107
7.3	Case studies on the current use of CEDAW in the context of disability .....	111
7.4	Conclusions and future perspectives on CEDAW .....	116
CHAPTER 8	Disability and children: the Convention on the Rights of the Child (CRC) .....	119
8.1	Background to the Convention .....	119
8.2	The relevance of the CRC norms in the context of disability .....	119
8.3	Implementation of the Convention .....	124
8.4	Case studies on the current operation of the CRC in the context of children with disabilities .....	129
8.5	The increasing prominence of the disability perspective in the CRC Committee .....	134
8.6	Conclusions on the CRC and disability .....	140
CHAPTER 9	Disability and racial discrimination: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) .....	141
9.1	Background to the Convention .....	141
9.2	The Convention enforcement machinery .....	142
9.3	Relevance of ICERD norms in the context of disability .....	143
9.4	Case studies on State party reports with a disability dimension .....	147
9.5	Conclusions on CERD and disability .....	147

### Part 3

#### **Options for the future: towards maximizing the potential of the United Nations human rights instruments in the context of disability**

CHAPTER 10	Civil society: current use of the United Nations human rights system and future choices .....	151
10.1	Part I: Organizational details .....	152
10.2	Part II: Self-understanding of disability NGOs as human rights defenders (questions 1-6) .....	153
10.3	Part III: Self-evaluation of human rights capacities (questions 7-18) .....	154
10.4	Part IV: Current levels of DPO/INGO engagement with the United Nations human rights machinery .....	158

10.5	Part IV: Outcome of engagement with the human rights treaty monitoring bodies .....	162
10.6.	Part VI: The future.....	165
10.7	Conclusions on the NGO questionnaire .....	167
CHAPTER 11	National human rights institutions – catalysts for change.....	169
11.1	Level of disability awareness (questions 1-3) .....	169
11.2	The status of disability rights on the agenda of national institutions (questions 4-7) ...	170
11.3	The disability rights record of national institutions (questions 8-11).....	171
11.4	Litigation on disability rights .....	173
11.5	Education and capacity-building (questions 15 and 16).....	173
11.6	Disability and the law reform process (questions 17 and 18).....	174
11.7	Conclusions .....	176
CHAPTER 12	Recommendations: Making the United Nations human rights machinery work better in the context of disability .....	177
12.1	States parties – towards a more sustained focus on persons with disabilities as the beneficiaries of the human rights treaties .....	177
12.2	Treaty monitoring bodies – towards the mainstreaming of disability.....	177
12.3	The Office of the High Commissioner for Human Rights – advancing disability as a human rights issue .....	178
12.4	United Nations Commission for Human Rights – bringing disability onto the agenda.....	178
12.5	National human rights institutions – enabling reform to come about .....	179
12.6	Civil society – disability NGOs as human rights NGOs .....	179
CHAPTER 13	Expanding the system: the debate about a disability-specific convention .....	181
13.1	Growing support for a thematic convention .....	181
13.2	A thematic convention as a way of enhancing the “visibility” of people with disabilities in the human rights system.....	182
13.3	The practical benefits of a thematic convention.....	182
13.4	Dignity and equality as the key to the content of a thematic convention.....	183
13.5	The new freedom agenda and disability: the interdependence of all human rights.....	183
13.6	A thematic convention as an aid to the mainstreaming of disability in United Nations human rights instruments .....	183
13.7	The mutually reinforcing roles of a thematic convention and the United Nations Standard Rules.....	183